

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

NICHOLAS JAMES MCGUFFIN, as
an individual and as guardian
ad litem, on behalf of S.M., a
minor,

Plaintiffs,

v.

MARK DANNELS, PAT DOWNING,
SUSAN HORMANN, MARY KRINGS,
KRIS KARCHER, SHELLY MCINNES,
RAYMOND MCNEELY, KIP OSWALD,
MICHAEL REAVES, JOHN RIDDLE,
SEAN SANBORN, ERIC
SCHWENNINGER, RICHARD WALTER,
CHRIS WEBLEY, ANTHONY WETMORE,
KATHY WILCOX, CRAIG ZANNI,
DAVID ZAVALA, JOEL D. SHAPIRO
AS ADMINISTRATOR OF THE ESTATE
OF DAVID E. HALL, VIDOCQ
SOCIETY, CITY OF COQUILLE,
CITY OF COOS BAY, and COOS
COUNTY,

Defendants

No. 6:20-cv-01163-MK

REMOTE DEPOSITION OF RICHARD WALTER

Taken on behalf of the Plaintiffs

June 30, 2022

1 BE IT REMEMBERED THAT, pursuant to the
2 Oregon Rules of Civil Procedure, the deposition of
3 RICHARD WALTER was taken by Aaron M. Thomas,
4 Certified Shorthand Reporter and Registered
5 Professional Reporter for Oregon, on June 30, 2022,
6 commencing at the hour of 8:03 a.m., via Zoom.

7

8 APPEARANCES:

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16 By MR. ANDREW C. LAUERSDORF
17 MS. JANIS C. PURACAL

18

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20 Counsel for Defendants: City of Coquille, City of
21 Coos Bay, Coos County, Craig Zanni, Chris Webley,
22 Eric Schwenninger, Sean Sanborn, Ray McNeely,
23 Kris Karcher, Pat Downing, Mark Dannels, Kip Oswald,
24 Michael Reaves, David Zavala, Anthony Wetmore,
25 Shelly McInnes

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33 BY: MR. JESSE B. DAVIS

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BY: KARIN L. SCHAFFER

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7

ALSO PRESENT: Mr. Nicholas J. McGuffin

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10 Squad: Modern-Day 'Sherlock

11 Holmes' Team Takes on Oregon

12 Slaying," dated August 11,

13 2010

14 3 Article titled "Murder on the 244

15 Menu" dated November 19, 2012

16 4 PowerPoint presentation: 250

17 "Homicidal Death of Leah

18 Nicole Freeman"

19 5 Statement Analysis, Leah 260

20 Freeman, An Analysis by Mark

21 McClish, dated September 23,

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23 6 Synopsis of Vidocq Society 270

24 Cases, 207. The Murder of

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1 RICHARD WALTER

2 having first been sworn by the Certified Shorthand Reporter,
3 testified under oath as follows:

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5 EXAMINATION BY MR. LAUERSDORF:

6 Q. Okay. So I'll introduce myself first. My
7 name is Andy Lauersdorf appearing on behalf of the
8 plaintiff, Mr. McGuffin, and the initials that I
9 can't recall off the top of my head right now, but
10 appearing on behalf of plaintiff.

11 Ms. Schaffer, if you want to introduce
12 yourself.

13 MS. SCHAFFER: Yes, Karin Schaffer,
14 counsel for Defendant Vidocq Society and Richard
15 Walter.

16 MR. LAUERSDORF: Mr. Franz?

17 MR. FRANZ: Yeah, I'll just be listening
18 in. Robert Franz, attorney for the municipal
19 defendants and police officers.

20 MR. LAUERSDORF: Mr. Davis?

21 MR. DAVIS: Attorney for the state
22 defendants.

23 MR. LAUERSDORF: And then Ms. Rockett?

24 MS. ROCKETT: Yes, I'm with Vidocq Society
25 and Richard Walter as well and just listening in.

1 A. Yeah, because Bill -- Bill had some health
2 issues and whatever else and felt it was time that
3 he step aside, so he then accepted sort of an
4 emeritus status and Howard -- not Howard, but Ben
5 then took over.

6 Q. Okay. What does the deputy commissioner
7 and chairman of the board do? What's his role?

8 A. Follow up. Bill was a strong leader, so
9 generally the deputy commissioner was in league with
10 the commissioner.

11 Q. Then in 2007, was there a deputy
12 commissioner and case manager?

13 A. Yes.

14 Q. Who would that have been?

15 A. That was Fred Bornhofen, who's now dead.

16 Q. He was somebody that you mentioned
17 earlier.

18 Is that right?

19 A. Right.

20 Q. And what was the role of the case manager
21 at Vidocq in 2010?

22 A. Departments would contact him to see if
23 they could present at Vidocq and he would then
24 review and then contact them if they were approved
25 and then he'd arrange for them to be at a meeting.

1 Vidocq then would pay for their flight of two
2 detectives to Philadelphia, they would water, house
3 and feed them, and then they would present a
4 presentation to the Vidocq Society, and then, as we
5 discussed before, sometimes I would take them -- not
6 always, but take them with others including Lebofsky
7 would go along at night, take them out to dinner and
8 have a discussion of the case that they had
9 presented and then they would go home.

10 Q. What were the -- in 2010, what were the
11 annual dues for the Vidocq Society?

12 A. I don't recall off the top of my head at
13 the moment.

14 Q. But the annual dues were enough to bring
15 people in, pay for their flights?

16 A. Well, earlier financial issues, we once
17 had a treasurer who was very efficient at keeping
18 the coffers full and would get donations and raise
19 money to keep the coffers adequate. Since that
20 time, that policy has dissipated, so I don't know
21 their current financial status.

22 I know that they still pay a lot of money
23 to the -- what's that organization -- anyway, for
24 their meeting spots and all that kind of stuff.
25 I've wondered also about this, but I'm not the best

1 person to answer that question.

2 Q. So as far as the case manager goes, would
3 all of the cases that came into Vidocq for review be
4 routed through that person?

5 A. Right.

6 Q. So Fred Bornhofen would have had to sign
7 off on the Freeman investigation?

8 A. Right.

9 Q. And he would have been an essential point
10 of contact for the Coquille Police Department or
11 whoever was presenting?

12 A. Yes.

13 Q. And how long ago did you say he passed?

14 A. Three or four years ago, maybe five, but I
15 think probably three.

16 Q. Are you familiar with Mr. Bornhofen's
17 process for how he brought cases in and evaluated
18 them before signing off on them?

19 A. In brief, it was that they had to be cold
20 for at least two years, the case had to be, and
21 generally they did not take drug cases and they
22 required to get some kind of a prediscussion of what
23 the case was about and see if it met standards that
24 somehow had been established, and from that, we
25 would then decide yes or no.

1 they are today, okay? I think they find acceptable
2 today what I found unacceptable back then.

3 Q. So as of 2010, were you aware of a
4 protocol for being -- a written protocol for being a
5 member of Vidocq Society?

6 A. I believe there was. I'm not prepared to
7 discuss it. Others who know more about it are the
8 best evidence.

9 Q. But you believe there was written protocol
10 for membership in Vidocq Society?

11 A. I believe there was.

12 Q. Where would that be kept?

13 A. I don't know at this point.

14 Q. Do you recall if -- let's see, I'm just
15 going to go down a list of names.

16 Was Benjamin Redmond a member of the
17 Vidocq Society in 2010?

18 A. Yes.

19 Q. Was he present when the Freeman case was
20 presented to Vidocq Society?

21 A. He was there, yes.

22 Q. Do you recall whether he was there or not?

23 A. I don't know.

24 Q. Were you there when the Freeman case was
25 presented to Vidocq Society?

1 A. Yes.

2 Q. But you don't recall if Mr. Redmond was?

3 A. Correct. There was a room full of people.

4 Q. How about Mr. Fleisher, was he a member in
5 2010?

6 A. Yes.

7 Q. And was he present when the Freeman case
8 was presented?

9 A. I don't know.

10 Q. How about Mr. Lebofsky, was he a member in
11 2010?

12 A. Yes.

13 Q. Do you recall if he was present when the
14 Freeman case was presented?

15 A. I don't know.

16 Q. How about Mr. Gill, was he a member in
17 2010?

18 A. Yes.

19 Q. Do you recall if he was present when the
20 Freeman case was presented?

21 A. I do not remember.

22 Q. All right. How about Heather Hines, was
23 she a member in 2010?

24 A. I don't know her.

25 Q. How about Carey E.G. Galvin, was he or she

1 the body or offer some kind of explanation for that?

2 A. I don't recall being asked.

3 Q. Okay. So you don't recall specifically
4 whether or not this is the PowerPoint or whether or
5 not a PowerPoint was shown at all, but assuming
6 there was some kind of presentation, what's your
7 recollection of what happened with -- after the
8 presentation was given, what happened next on the
9 Freeman case?

10 A. I think there was speculation that they
11 didn't have enough to move forward in the room.

12 Q. Were there small group discussions of any
13 kind?

14 A. No. I think there were probably -- you
15 asked me earlier, I did respond. I think there were
16 probably -- generally you'll find about 50 people
17 there at the case presentation.

18 Q. Okay. After the presentation, did half of
19 them get up and leave? Did all of them get up and
20 leave or stick around and --

21 A. Yeah, they stuck around and chatted for a
22 while. They all had their opinions about this, that
23 and whatever else. I think that even Dannels and
24 the police officer and everybody but the prosecutor
25 thought that they needed more development and that

1 they couldn't move forward with the prosecution.

2 However, then, we went to dinner, and it
3 was at dinner, I believe -- it could have happened
4 at the meeting, but I think it was at dinner, then,
5 that the prosecutor then said that he thought it had
6 legs and that he always wanted to try a
7 circumstantial case and this -- he wanted to move
8 forward on this, and I think Dannels and the other
9 police officer weren't gobsmacked pleased, but
10 gobsmacked by it all, okay?

11 Q. Did you get the impression that the
12 prosecutor was not convinced before coming to
13 Vidocq?

14 A. I don't know.

15 Q. Okay. I'm just kind of wondering why you
16 got the sense that Dannels and the other police
17 officer were gobsmacked. It seems to me that if the
18 prosecutor was already convinced that he could go
19 forward, there wouldn't be much reason to come up to
20 present at Vidocq Society.

21 A. Well, how about this reaction, I'll
22 imitate it, "Really?"

23 Q. Okay. So do you recall -- you went out to
24 dinner, who all went to dinner with you?

25 A. Just them and myself.

1 Q. Anyone else from Vidocq decide to go with
2 you?

3 A. No.

4 Q. What was discussed at the dinner?

5 A. The case.

6 Q. What specifically was discussed about the
7 case?

8 A. Well, I think that they were still quite
9 loose, very, very loose in their understanding of
10 the collection of material that they had. I then --
11 I think I offered the suggestion that from my
12 understanding that it was a PA case, that I would
13 have some more evidence and to affirm that and I'd
14 like to see more crime scene photos and all that,
15 kind of stuff, okay?

16 Q. So at that point, was there a decision
17 made that you would come back to Coquille with them
18 at some point?

19 A. They asked me if I would, and I think I
20 said it would depend on whether Vidocq agrees with
21 it.

22 Q. And apparently Vidocq agreed with you.

23 A. Yes.

24 Q. Because you went back.

25 Do you recall during the presentation, did

1 you take any notes?

2 A. No.

3 Q. Did you see anyone else at Vidocq taking
4 any notes while they were reviewing the case?

5 A. I would disapprove.

6 Q. How about at the dinner, any notes taken
7 at the dinner by anyone that you recall?

8 A. I can't affirm positively. I think the
9 investigator did.

10 Q. Okay. And then after you had the dinner
11 and talked a little bit, what happened next? How
12 did the dinner end?

13 A. I went home. I went back to my hotel
14 room. I can't remember -- it had to be Vidocq
15 called me, or Fred, and said that they had contacted
16 and wanted me to come out and I said "What does the
17 Vidocq Society think about that?" and he said "It's
18 your decision," and apparently it was okay and now
19 the whole issue of payment and stuff is a mystery,
20 but anyway, I got there.

21 Q. And did Mr. Bornhofen say who had
22 contacted him?

23 A. No.

24 Q. So we don't know if it was Dannels or
25 Frasier or who?

1 A. Right.

2 Q. Okay. And when you say the question of
3 payment is a mystery, what do you mean?

4 A. We never could figure out who paid for the
5 airfare and all that kind of stuff.

6 Q. Okay. Was it another one of those things
7 where you tried to look at Vidocq's records, talked
8 to the travel agents and that sort of thing?

9 A. Yeah. Yeah.

10 Q. And there's no record of Vidocq paying for
11 it?

12 A. Well, they didn't -- they changed Frasier
13 and all this kind of stuff, but I talked to the most
14 recent treasurer and he looked and they only have
15 six years back, they don't have ten years back.

16 Q. So the decision was made that you would
17 travel to Coquille and that Vidocq would
18 participate.

19 What was the plan for Vidocq Society's
20 involvement in the pre-investigation?

21 A. Me going out and getting ideas and giving
22 them suggestions and giving them a sense of
23 perspective and letting them make up their own mind.
24 That's how they wanted to proceed. I did not say
25 "Go get him," okay? It's their choice. I was there

1 STATE OF OREGON)
2 County of Multnomah)
3

4 I, Aaron M. Thomas, Certified Shorthand
5 Reporter, Registered Professional Reporter, and
6 Notary Public for the State of Oregon, do hereby
7 certify that ROBERT WALTER personally appeared
8 before me at the time and place mentioned in the
9 caption herein; that the witness was by me first
10 duly sworn on oath and examined upon oral
11 interrogatories propounded by counsel; that said
12 examination, together with the testimony of said
13 witness, was taken down by me in stenotype and
14 transcribed through computer-aided transcription;
15 and that the foregoing transcript constitutes a
16 full, true and accurate record of said examination
17 of and testimony given by said witness, and of all
18 other oral proceedings had during the taking of said
19 deposition, and of the whole thereof.

20 Witness my hand and Notarial Seal at
21 Portland, Oregon, this 9th day of July, 2022.
22
23
24

25 _____
Aaron M. Thomas
Oregon CSR 04-0388